

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 5259-046/NP
INTERNATIONAL APPLICATION NO. PCT/JP2004/001891		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/522831
INTERNATIONAL FILING DATE 19 February 2004 (19.02.2004)		PRIORITY DATE CLAIMED 27 February 2003 (27.02.2003)
TITLE OF INVENTION Optical Communication Network System, Wavelength-Routing Device, Communication Node, and Optical Path Management Method and Device for Optical Cross Connect Device		
APPLICANT(S) FOR DO/EO/US MORIWAKI, Osamu, et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **Express Mail Trans. (EV 570 160 541 US), Check for \$1,600, Eng. Translation of Formal Drawings (29 pages); Form HDP-1449 w/ ISR & 38 cited references, Published App. No. WO 2004/077716 A1, and Return Postcard.**

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 24pt; font-weight: bold; text-align: center;">10/522831</div>		INTERNATIONAL APPLICATION NO. PCT/JP2004/001891		ATTORNEY'S DOCKET NUMBER 5259-046/NP													
21. The following fees are submitted: <input checked="" type="checkbox"/> a) Basic national fee..... \$300.00 <input checked="" type="checkbox"/> b) Examination fee..... \$200.00 <input checked="" type="checkbox"/> c) Search fee..... \$500.00 <div style="text-align: right; margin-top: 5px;"> TOTAL OF ABOVE CALCULATIONS = \$1000.00 </div>				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">Applicant use</th> <th style="width:50%;">Office use only</th> </tr> <tr> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>\$ 500.00</td> <td></td> </tr> <tr> <td>\$ 1,000.00</td> <td></td> </tr> </table>		Applicant use	Office use only	\$ 300.00		\$ 200.00		\$ 500.00		\$ 1,000.00			
Applicant use	Office use only																
\$ 300.00																	
\$ 200.00																	
\$ 500.00																	
\$ 1,000.00																	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																	
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE														
99 - 100 =	-1 /50 =		x \$250.00														
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">0.00</td> </tr> </table>		\$	0.00										
\$	0.00																
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>13 - 20 =</td> <td>0</td> <td>x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>4 - 3 =</td> <td>1</td> <td>x \$200.00</td> </tr> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	13 - 20 =	0	x \$50.00	Independent claims	4 - 3 =	1	x \$200.00	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">0.00</td> </tr> </table>		\$	0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE														
Total claims	13 - 20 =	0	x \$50.00														
Independent claims	4 - 3 =	1	x \$200.00														
\$	0.00																
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">360.00</td> </tr> </table>		\$	360.00												
\$	360.00																
TOTAL OF ABOVE CALCULATIONS =				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">1,560.00</td> </tr> </table>		\$	1,560.00										
\$	1,560.00																
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">0.00</td> </tr> </table>		\$	0.00										
\$	0.00																
SUBTOTAL =				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">1,560.00</td> </tr> </table>		\$	1,560.00										
\$	1,560.00																
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">0.00</td> </tr> </table>		\$	0.00										
\$	0.00																
TOTAL NATIONAL FEE =				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">1,560.00</td> </tr> </table>		\$	1,560.00										
\$	1,560.00																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">40.00</td> </tr> </table>		\$	40.00										
\$	40.00																
TOTAL FEES ENCLOSED =				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;">1,600.00</td> </tr> </table>		\$	1,600.00										
\$	1,600.00																
Amount to be refunded:				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; background-color: #cccccc;"></td> <td style="width:50%;">\$</td> </tr> </table>			\$										
	\$																
Amount to be charged				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; background-color: #cccccc;"></td> <td style="width:50%;">\$</td> </tr> </table>			\$										
	\$																
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1,600.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-0750</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> </div> <div style="width: 35%; text-align: right;"> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;"> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Gregory A. Stobbs HARNESS, DICKEY & PIERCE, P.L.C. P. O. Box 828 Bloomfield Hills, MI 48303 United States of America</p> </div> <div style="width: 35%; text-align: right;"> <p></p> <p>SIGNATURE</p> <p>Gregory A. Stobbs</p> <p>NAME</p> <p>28,764</p> <p>REGISTRATION NUMBER</p> <p>Dated: February 2, 2005</p> </div> </div>																	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No.: EV 570 160 541 US

Date of Deposit: 2 February 2005

Application No.: Not yet assigned – 371 of PCT/JP2004/001891

International
Filing Date: 19 February 2004 (19.02.2004)

Applicant: Osamu MORIWAKI, et al.

Title: OPTICAL COMMUNICATION NETWORK SYSTEM,
WAVELENGTH-ROUTING DEVICE, COMMUNICATION
NODE, AND OPTICAL PATH MANAGEMENT METHOD
AND DEVICE FOR OPTICAL CROSS CONNECT
DEVICE


Attorney Docket: 5259-046/NP

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**EXPRESS MAIL TRANSMITTAL**

The following papers are being deposited with the United States Postal Service Express Mail Post Office To Addressee on 2 February 2005 and addressed for receipt by the United States Patent and Trademark Office:

1. Express Mail Transmittal (Label No. EV 570 160 541 US);
2. Check in the amount of \$1,600.00;
3. Transmittal Letter to the DO/EO/US Concerning
a Filing Under 35 USC 371 (2 pages, in duplicate);
4. Application Data Sheet (5 pages);
5. English Translation of International Application (99 Pages);
6. English Translation of Formal Drawings (Figs. 1 – 32D) (29 pages);
7. Signed Declaration and Power of Attorney (4 pages);
8. Assignment Cover Sheet and Assignment (3 pages);
9. IDS with Form 1449, ISR and 38 cited references;
10. Published International Application WO 2004/077716 A1; and
11. Return Postcard.

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600


Susan McGaw